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**From:** Brahmbhatt, Roshni (she/her) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1C7E3413BAA444FD8A7E15D2ABA7846F-RBRAHMBH]  
**Sent:** 5/11/2022 2:16:15 PM  
**To:** Kevin Orellana [korellana@aqmd.gov]  
**CC:** Victor Yip [VYip@aqmd.gov]; Terrence Mann [tmann@aqmd.gov]  
**Subject:** FW: Clean Air Act Violation  
**Attachments:** Irvine City Council - AAA 11.30.21 (3).pdf

Hi Kevin,

The citizen mentions an odor concern for today and the social media picture is from May 9. Would you be able to look into?

Thanks,  
Roshni

**Roshni Brahmbhatt** | Pronouns: she/her  
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**From:** Kim Konte <kim@nontoxicneighborhoods.org>  
**Sent:** Wednesday, May 11, 2022 6:52 AM  
**To:** Jeff Melching <JMelching@cityofirvine.org>  
**Cc:** Regan, Michael <Regan.Michael@epa.gov>; Baker, Dean <dbaker@hs.uci.edu>; Brahmbhatt, Roshni (she/her) <brahmbhatt.Roshni@epa.gov>; Gillam, Laura Haynes (EPW) <Laura\_Gillam@epw.senate.gov>; Susan Little <slittle@ewg.org>; Oliver Chi <OChi@cityofirvine.org>; Pete Carmichael <PCarmichael@cityofirvine.org>; Ex. 6 Personal Privacy (PP); Dave Min <Ex. 6 Personal Privacy (PP)>; Graham, Courtney@ARB <courtney.graham@arb.ca.gov>; Lesley Tan <Ex. 6 Personal Privacy (PP)>; Kevin Lien <Ex. 6 Personal Privacy (PP)>  
**Subject:** Clean Air Act Violation

Jeff,

In your role as city attorney, how are you allowing a non-compliant and significant polluter per (SCAQMD) to continue to operate in the city of Irvine?

Residents are fed up with the shocking amount of non-compliance from the largest polluter of Group One carcinogens in Irvine(per SCAQMD)!

“SCAQMD is responsible for identifying and correcting these violations. SCAQMD is aware of the source of the contributors of these chemical compounds that are polluting the environment in North Irvine. If SCAQMD fails to

correct this problem for a period of time, more people will become sick, and some will die from the exposure. Unfortunately, SCAQMD's lack of action will contribute to this illness and death. Members of the hearing board must revisit this issue and order SCAQMD to cite All American Asphalt for non-compliance. SCAQMD's responsibility is to avoid a health crisis and prevent further deaths." - California State Senator, Ret. Nate Holden

All American Asphalt's growing list of non-compliance:

- AB 2588 "Hot Spots" program - HRA is still MIA
- The Clean Air Act - specifically Rule 3001 of the Clean Air Act
- Prop 65
- California Health and Safety Code § 42402.3

Last week marked the one-year anniversary when you(SCAQMD) received AAA's Title V permit application that you(SCAQMD) have done nothing about. How is this lack of oversight allowed? What are the penalties for violating the Clean Air Act? *"Title V Permitting Based on the facility's self-reported emissions through the South Coast AQMD's Annual Emissions Reporting program, the reported emissions in 2018 and 2019 may have triggered Title V applicability. Therefore, on Feb 4, 2021, AAA was notified to submit an Initial Title V permit application, which was submitted on May 5, 2021. South Coast AQMD is currently reviewing the Title V permit application to determine if the facility will be brought into the Title V permitting program."*

**When will AAA's 2016 emissions finally be updated?** As a result, AAA's reported 2016 emissions erroneously represented the last low VOC emissions year. Ironically, 2016 is the year that AAA used for its AB 2588 emissions and risk evaluation to South Coast AQMD.

#### **EMISSIONS REPORTING ERRORS**

- As noted by some community reports, there are some emission differences reported by AAA between 2016 and 2017. South Coast AQMD is requiring AAA to correct these emissions reports using the most up-to-date information. Once the new information has been received and approved, the emissions data on the agency's F.I.N.D. database will also be updated.

Per rule 3001 of the Clean Air Act, both the South Coast Air Quality Management District and All American Asphalt are in violation of the Clean Air Act's Title V Facility status. Based on All American Asphalt's 2018 Volatile Organic Compound(VOC) emissions alone, both the South Coast Air Quality Management District and All American Asphalt violate the Clean Air Act that established National Ambient Air Quality Standards to protect public health and public welfare and regulate emissions of hazardous air pollutants. Based on the facility's self-reported emissions through the South Coast AQMD's Annual Emissions Reporting program, the reported emissions in 2018 **exceeded the threshold of 10 ton threshold in 2018 with 10.253 tons**. So why did SCAQMD fail to notify AAA per rule 3001? SCAQMD needs to be held accountable for failing to notify AAA in a timely matter. Failure to be compliant with the Clean Air Act's Title V permitting process deems SCAQMD's permit approval that the Power of Attorney failed to consider, effectively rendering all permits invalid that has been awarded to AAA outside of the Clean Air Act.

Again this morning, while our kids were at their open-air designed schools, we had more noxious odors flood our community and schools. Can you please help us understand the point of the Clean Air Act and other health-protective legislation if it's never enforced?



**Toxic Asphalt**  
@ToxicAsphalt

...

In operation, pumping out toxic Asphalt odor - 7:30am.  
I can smell it on the New Point side of OHR. I had to  
end my morning exercise early.



7:49 AM · May 9, 2022 · Twitter for iPhone

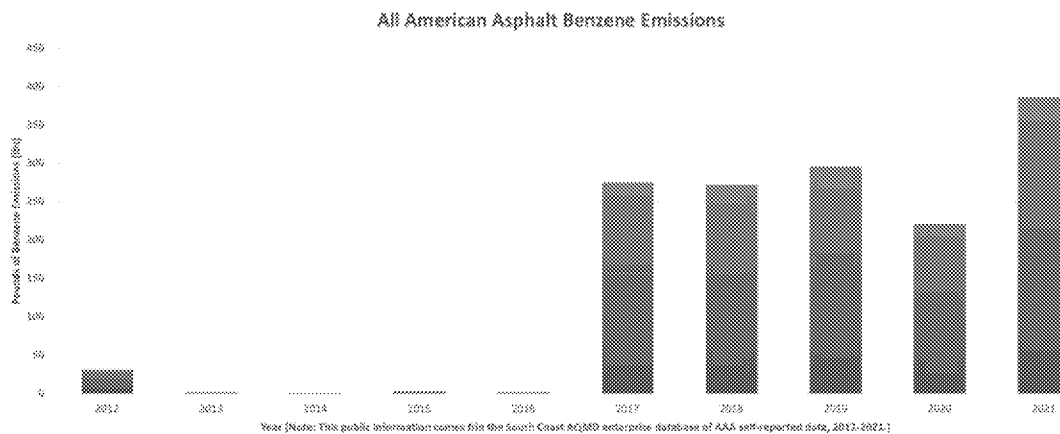
There should be an emergency injunction to halt production until this large facility(per SCAQMD) is compliant.

**AAA's emissions are going the wrong way, especially with "receptor" locations that are only 2,000 ft from AAA:**

## SCAQMD Monitored "Large" Facilities in Irvine – 2020 Facility Emissions

Facility	VOCs (tons)	Benzene (lbs)	Chromium, Hexavalent (lbs)	Formaldehyde (lbs)
All American Asphalt	7.9	221.6	0.27	1,781.0
Bowerman Power	9.0	0	0	1.3
Maruchan	6.4	2.5	0	5.2
Allergan	2.1	2.4	0	17.0
Braun Medical	30.2	10.0	0	440.0
UC Irvine	1.0	0	0	1.3

Source: SCAQMD Facility Information Detail (F.I.N.D.) Tool



We look forward to you sharing why you have not utilized any of the tools that Senator Dave Min shared with you and Mayor Khan?

We need the city to stop working to protect the polluter and take action to protect the people.



Kim Konte

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Ex. 6 Personal Privacy (PP)

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